

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
NO. 5:16-CR-196-BO

UNITED STATES OF AMERICA :  
 :  
 v. :  
 :  
 CEDRIC ANTWYON MCAULEY :

**PRELIMINARY ORDER OF FORFEITURE**

WHEREAS, pursuant to the entry of a Memorandum of Plea Agreement entered into by the defendant on November 9, 2016, the Court finds that the following property is hereby forfeitable pursuant to 18 U.S.C. § 924(d)(1), made applicable to this proceeding by virtue of 28 U.S.C. § 2461(c), as firearms and ammunition used in knowing violations of 18 U.S.C. §§ 922(g)(1) and 924(a)(2), to wit:

(1) Marlin Model 336 30-30 caliber rifle, serial number 7072933; (2) Stoeger Uplander 12 gauge shotgun, serial number 623199-09; (3) Stoeger Model 2000 12 gauge shotgun, serial number 711011, (4) Zhongzhou Machine Works model JW-87 12 shotgun, serial number 0201536; (5) Savage model 93R17 .17, HMR caliber rifle, serial number 108004; (6) Marlin Model 60 .22 caliber rifle, serial number 12534647; and (7) Ithaca Model 37 Featherlight 20 gauge shotgun, serial number 1024620, and any and all related ammunition;

AND WHEREAS, by virtue of said Memorandum of Plea Agreement, the United States is now entitled to possession of said personal property, pursuant to Fed. R. Crim. P. 32.2(b)(3);

It is hereby ORDERED, ADJUDGED and DECREED:

1. That based upon the Memorandum of Plea Agreement as to the defendant CEDRIC ANTWYON MCAULEY, the United States is hereby authorized to seize the above-stated personal property, and it is hereby forfeited to the United States for disposition in accordance with the law, including destruction, as allowed by Fed. R. Crim. P. 32.2(b)(3). In accordance with Fed. R. Crim. P. 32.2(b)(4)(A), this Order is now final as to the defendant.

2. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Preliminary Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(4)(B).


3. That pursuant to 21 U.S.C. § 853(n), the United States shall publish notice of this Order and of its intent to dispose of the property in such manner as the Attorney General or the Secretary of Treasury directs, by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the defendant,

having or claiming any legal interest in the subject property must file a petition with the Court within 30 days of the publication of notice or of receipt of actual notice, whichever is earlier.

The petition must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and must include any additional facts supporting the petitioner's claim and the relief sought.

4. That upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853, as required by Fed. R. Crim. P. 32.2(c).

SO ORDERED. This 18 day of Jan., 2017.

  
TERRENCE W. BOYLE  
United States District Judge